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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,471	01/15/2004	Ilya Makhlin	A2-065 CIP1 US	5861
23683	7590	01/05/2005	EXAMINER	
MOLEX INCORPORATED 2222 WELLINGTON COURT LISLE, IL 60532			PRASAD, CHANDRIKA	
			ART UNIT	PAPER NUMBER
			2839	

DATE MAILED: 01/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/758,471	MAKHLIN ET AL.	
	Examiner	Art Unit	
	Chandrika Prasad	2839	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/15/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: the reference number 43 mentioned in page 7 line 16 is not shown in any of drawing.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: reference number 50a is shown in Fig. 3 but not mentioned in the description. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121 (b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Oath/Declaration

2. The oath and declaration is objected to because it claims foreign priority on a domestic (US) application 10/602,513.

Specification

3. An incorrect reference number is used for the key ring in page 8 line 30. It should be corrected to 42. Applicant's assistance is requested to correct any other errors that may be noticed in the application.

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

5. The disclosure is objected to because of the following informalities: The copending application 10/602,513 should be referenced in the specification.

Appropriate correction is required.

Claim Objections

6. Claims 6 and 19 are objected to because of the following informalities: Claim 6 recites the limitation "said first key comprises a recesses keyway in the key ring and said second key comprises a key member projecting from the through passage of the housing." It appears that the first key and second key needs to be switched around in the claim. The key ring is the one that has the second key. Appropriate correction is required.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351 (a) shall have the effects for purposes of this subsection of an application filed in the United States only if

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the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee (U.S. Patent 6,655,851 B1).

Lee shows a fiber optic connector assembly having an outer connector housing 26 having a front mating end, a rear end and a through passage extending between the ends and defining an optical axis, the housing having a pair of first keys 60 in the passage at a given position angularly about the optic axis; an inner optical fiber plug 28 for terminating at least one optical fiber cable, the plug being disposed in the through passage in the housing with a front ferrule 20 portion of the plug terminating the optical fiber at the front mating end of the housing, with the fiber optic cable extending from the rear end of the housing; a key ring 52 rotatably mounted about the plug and fixable on the plug at selected positions of rotational adjustment, the key ring having a pair of second keys 56 lockable with the first key on the housing once the key ring is fixed on the plug. Please note it has been held that the functional "whereby" statement does not define any structure and accordingly cannot serve to distinguish. Anyhow, Lee discloses rotating the plug to obtain a desired rotational alignment of the optical fiber and fixing the optical fiber cable in position relative to the connector using keys so that the rotational alignment of the optical fiber is maintained. Lee discloses the first key comprising a recessed keyway 62 in a socket in the through passage of the housing, and the second key 56 comprising a key member projecting from the key ring disposed and fixable to the plug portion. The key ring is fixable at any position by an adhesive. The key ring has recessed keyways which engages keys projecting from the housing.

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The key ring is keyed into more than one keyways in the housing. The key ring has more than one keys arranged thereon.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nakajima et al. (6151432, 6533468), Jovanovich et al. (6551839) and Hirabayashi et al. (20020126961).

Double Patenting

10. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

11. Claims 1, 2, 3, 4, 6, 8, 9, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1, 2, 3, 4, 6, 7, 8,, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 of copending Application No. 10/602,513. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

Contact Information

12. Any correspondence to this action may be mailed to:

**Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450**

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chandrika Prasad whose telephone number is (571) 272-2099.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor can be reached at (571) 272-2800 ext 39. The fax number is (703) 872-9306.



Chandrika Prasad
Primary examiner
December 29, 2004